

- C. Any waiver of waste discharge requirements is conditional, may be terminated at any time, does not authorize or excuse an illegal discharge, does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners, and does not preclude the San Diego Water Board from administering enforcement remedies pursuant to Section 13300, et seq., of the Water Code.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on November 14, 2007.


John H. Robertus
Executive Officer

Attachment 1: **Notice of Intent**
Attachment 2: **Notice of Termination**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

 9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

NOTICE OF INTENT

TO COMPLY WITH
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN
THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION¹

| | | | |
|----------------------------|---------|--------------------------|------|
| Property/Facility Name: | | | |
| Property/Facility Contact: | | | |
| Property/Facility Address: | | | |
| City: | County: | State: | Zip: |
| Telephone: | Fax: | Email: | |
| Assessor Parcel Number(s): | | Hydrologic Area/Subarea: | |
| Latitude / Longitude | | | |

II. PROPERTY/FACILITY OWNER INFORMATION

| | | | |
|--|---------|--------|------|
| Property/Facility Owner Name: | | | |
| Property/Facility Owner Mailing Address: | | | |
| City: | County: | State: | Zip: |
| Telephone: | Fax: | Email: | |

III. PROPERTY/FACILITY OPERATOR INFORMATION

| | | | |
|----------------------------------|---------|--------|------|
| Property/Facility Operator Name: | | | |
| Mailing Address: | | | |
| City: | County: | State: | Zip: |
| Telephone: | Fax: | Email: | |

IV. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

- ☐ Conditional Waiver, Order No. R9-2007-0211 – A Conditional Waiver of Statutory Requirements To File A Report of Waste Discharge And for Adoption of Waste Discharge Requirements for Discharges To Non-Federal Waters of The State Associated with Repair And Protection Activities in Emergency Situations in The San Diego Region.

Note: under California Environmental Quality Act (CEQA), California Public Resources Code section 21063.3, an "emergency" is defined to be:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

¹ Sufficient location information must be submitted to properly identify the project. In certain instances, some location information may be omitted until the Notice of Termination is completed. A single Notice of Intent may be submitted for a project involving several locations over a large geographic area and being conducted by a single project proponent.

V. DESCRIPTION OF DISCHARGE AND IMMINENT THREAT TO LIFE OR PROPERTY

Describe the discharge activity and a brief, but clear, description of the imminent threat to life and/or property and the proposed project's purpose and need. Use additional pages, and provide a map of the property/facility if necessary.

VI. DESCRIPTION OF MANAGEMENT MEASURES AND PRACTICES

Describe what management measures and practices will be implemented to minimize or eliminate the discharge of pollutants to waters of the state and comply with waiver conditions of Section A and Section B.1 of the conditional waiver. Use additional pages as needed. Provide a map of the property/facility showing locations of management measures and practices if necessary.

VII. PROJECT AREA INFORMATION

Please provide information about the project area's existing conditions and anticipated impacts to non-federal waters resulting from the proposed work (e.g., removal of significant vegetation, loss of habitat, etc.) Use additional pages and attach maps as needed.

VIII. MITIGATION INFORMATION

Please provide information about plans for compensatory mitigation of unavoidable discharges of fill and/or how the discharger intends to comply with the waiver conditions of Section B of the conditional waiver. Use additional pages as needed.

IX. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)

Date

Print Name

Title

Telephone Number

Email

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
 9174 Sky Park Court, Suite 100
 San Diego, California 92123-4340



NOTICE OF TERMINATION

ORDER NO. R9-2007-0211

**A CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO
 FILE A REPORT OF WASTE DISCHARGE AND FOR ADOPTION OF
 WASTE DISCHARGE REQUIREMENTS FOR
 DISCHARGES TO NON-FEDERAL WATERS OF THE STATE ASSOCIATED WITH
 REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS
 IN THE SAN DIEGO REGION**

I. PROPERTY/FACILITY INFORMATION

| | | | |
|----------------------------|---------|--------------------------|------|
| Property/Facility Name: | | | |
| Property/Facility Contact: | | | |
| Property/Facility Address: | | | |
| City: | County: | State: | Zip: |
| Telephone: | Fax: | Email: | |
| Assessor Parcel Number(s): | | Hydrologic Area/Subarea: | |
| Latitude / Longitude / | | | |

II. PROPERTY/FACILITY OWNER INFORMATION

| | | | |
|--|---------|--------|------|
| Property/Facility Owner Name: | | | |
| Property Owner/Discharger Contact and Title: | | | |
| Property/Facility Owner Mailing Address: | | | |
| City: | County: | State: | Zip: |
| Telephone: | Fax: | Email: | |

III. DISCHARGE AND DREDGE INFORMATION

| |
|--|
| Date(s) of Discharge and Dredge Activities: |
| Did Any Activity Occur within Wetlands? |
| Did Any Activity Create an Impoundment? |
| If <u>yes</u> , describe how adverse effects to aquatic system were minimized. |

Quantity of Discharge: (indicate in ACRES and LINEAR FEET the extent affected, and identify the effects as permanent and/or temporary for discharge.)

| | <u>Permanent Effects</u> | | <u>Temporary Effects</u> | |
|---------------------|--------------------------|-------|--------------------------|-------|
| Wetlands: | linear feet | acres | linear feet | acres |
| Non-wetland waters: | linear feet | acres | linear feet | acres |

Quantity of Dredging (cubic yards):

Provide a description of the types of material dredged and disposal location:

IV. COMPENSATORY MITIGATION INFORMATION

Were Temporary Fills Restored?

If no, please describe rationale:

Was Compensatory Mitigation Provided?

If no, please describe rationale:

If yes, attach (1) a map clearly identifying the mitigation location areas, and (2) contact information for the owner/operator of the mitigation area property.

Also indicate below in ACRES and LINEAR FEET the total quantity of each water body that was created, restored, or enhanced, for purposes of providing compensatory mitigation. Use additional pages if necessary.

| | Created (acres / linear feet) | Restored (acres / linear feet) | Enhanced (acres / linear feet) |
|-------------|----------------------------------|-----------------------------------|-----------------------------------|
| Wetland | | | |
| Non-Wetland | | | |

V. FINAL DISPOSAL CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)

Date

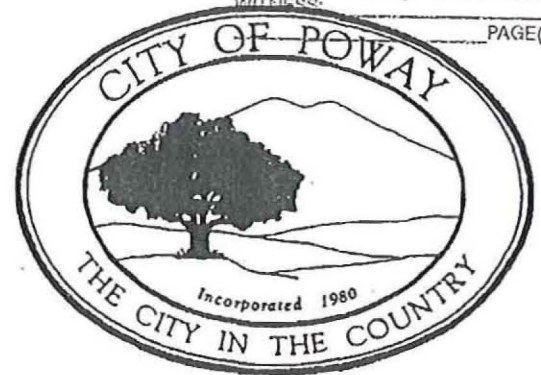
Print Name

Title

NOTICE

☒ STOP WORK

☐ CORRECT WORK



DATE: 2/7/08
PROJ: Jermine
14272

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

- ☐ STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
- ☐ SAN DIEGO REGIONAL STANDARD DRAWINGS
- ☒ CITY OF POWAY GRADING ORDINANCE (1.)
- ☐ CITY OF POWAY WATER STANDARDS
- ☐ CITY OF POWAY SEWER STANDARDS
- ☐ OTHER: _____

THE AREA(S) OF CONFLICT IS:

Importing fill w/out H&M permit.
Road is dirty & not cleaned off - contractor grading &
scale of the house coral - contact Sam Tadros @
city of poway - a 600 - 4601 ASP -

THIS NOTICE WAS ISSUED TO:

CC:

DATE:

TIME:

BY:

TITLE:

PHONE:

Bill Montz

2/7/08

1:50 p.m.

Don Sharp

Construction Coordinator

858-470-0251

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF POWAY'S DEVELOPMENT SERVICES DEPARTMENT AT THE ABOVE LISTED TELEPHONE NUMBER.

- (1.) A VIOLATION OF THE CITY OF POWAY'S GRADING ORDINANCE IS A MISDEMEANOR. EACH SEPARATE DAY OR PORTION THEREOF ON WHICH A VIOLATION EXISTS OR IS ALLOWED TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE PUNISHABLE BY THE PROVISIONS OF THE ORDINANCE.

1 aware that they send that so they send me a copy of it.
2 So that was like 10 months ago. I can't really remember.

3 Q. You don't remember the events surrounding
4 Exhibit 55?

5 A. No. They just come and put the exhibit in my
6 inbox.

7 Q. How many of those do you get in a typical week at
8 least during the time that were you here?

9 A. I have -- I saw a few of the notice of violation.
10 During that time I had too many hats I'm wearing. I'm
11 doing projects in CPI, I'm doing projects in land
12 development, reviewing plans, and I have my own projects
13 doing it. I'm trying to manage CIP and land development
14 at the same time. It was hectic time. I was working over
15 15, 18 years -- 18 hours a day, so that was overwhelming
16 amount of work, so I can't tell you exactly what -- you
17 know, if I saw this or I saw this. It's really, you know,
18 I can't tell. I have to be, you know, exact and accurate
19 about what I'm saying.

20 Q. Why did you leave the city of Poway?

21 A. It was a promotion.

22 Q. Better money, better position?

23 A. Better position, yes, not better money.

24 Q. Do you ever -- strike that.

25 At the time you went downstairs to work some

1 additional hours and responsibilities, did you move desks?

2 A. I have a desk upstairs in CIP, and I have another
3 desk in land development downstairs.

4 Q. Did you have phones both places?

5 A. Yes.

6 Q. Do you have phone records for phones that --
7 phone calls that you made or received?

8 A. I don't know. There is someone doing that, but I
9 can't -- I can tell you.

10 Q. Did you keep any diary or log of phone calls that
11 you made or received?

12 A. Unless I receive a message, I write it down on a
13 piece of paper so I can reply to the sender. Otherwise, I
14 don't keep record of that.

15 Q. Do you know one way or the other whether Bill
16 Moritz called you as of approximately the date of Exhibit
17 55, February 7, 2008?

18 A. I can't remember.

19 Q. How about as of approximately the date of exhibit
20 56, February 8, 2008?

21 A. I can't remember.

22 Q. Did you ever talk with Jim Lyon about this site?

23 A. Yes.

24 Q. What did you guys talk about?

25 MS. FOSTER: That calls for hearsay.

